



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/668,897

09/23/2003

Raoul G. Fima

101775.0004US2

2495

24392

7590

07/23/2009

FISH & ASSOCIATES, PC

ROBERT D. FISH

2603 Main Street

Suite 1000

Irvine, CA 92614-6232

EXAMINER

MASINICK, MICHAEL D

ART UNIT

PAPER NUMBER

2128

MAIL DATE

DELIVERY MODE

07/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/668,897

Applicant(s)

FIMA, RAOUL G.

Examiner

Michael D. Masinick

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 32-50 are pending in this application. This is the first office action on newly added claims. Applicant's arguments note that claims 32-51 are pending. Claim 51 is not found on the claims sheets submitted with the response filed 5/22/2009 and thus claims 32-50 are considered the claims pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 40, 41, and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The concepts of sending data over a power line and sending data over a wireless network are not found in the specification as originally filed. The specification shows support for network communications over a WAN and for wireless communication via radio technology between the module and the motherboard. However, no mention of a wireless network is made. There is no mention of power lines or communication over said power lines in the specification as originally filed.

3. With regard to claim 48 there is no mention of a portable device in the specification as originally filed.
4. These claims are treated as best understood below.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 32 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,568,825 to Faulk.
7. Referring to claims 32, Faulk shows A system for monitoring and controlling fluid flow and consumption, comprising: a valve; a flow sensor that monitors the fluid flow, and generates a signal; an interface module that receives the signal, and shuts the valve when the fluid flow exceeds a predetermined threshold; and a power panel that includes a processor and the interface module (Claim 1, parts a, b, c, and figure 1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 32, 33, 36-39, 43, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,825 to Faulk et al in view of U.S. Patent No. 5,956,248 to Williams et al.
10. This is an alternative 103 rejection for claim 32.
11. Referring to claims 32, 49 and 50, Faulk shows a system for monitoring and controlling water consumption, comprising: a sensor for monitoring a water consumption parameter in a water-based system and for generating signals indicative of the operation thereof; an interface for receiving signals from the sensor; and a fluid control device operable with the interface module for limiting the water consumption in the water-based system. These are all clearly shown in claim 1, parts A, B, C – and figure 1, of Faulk.
12. Faulk does not specifically show that the module is an interface module to be entered into a power panel.
13. Williams shows an irrigation controller where individual modules, each assigned to a valve, are attached to a main controller BUS (motherboard). See Specifically column 4, line 66 through Column 5, line 39.
14. The concept of splitting a control system into "modules" is well known. Modules allow for both cost savings when creating a system (ability to customize and not purchase extra unneeded functionality), for expandability if needed in the future, and for easy replacement if a single module fails or is destroyed.
15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the concept shown in Faulk of having a sensing device, interface, and

Art Unit: 2125

control system to control water consumption with the power panel and interface module system of Williams because of the reasons stated above (Shown in Williams in Column 6, lines 51-68).

16. The recent KSR vs. Teleflex decision by the U.S. Supreme Court states that the "Use of known technique to improve similar devices in the same way" should result in a finding of obviousness.

17. In this case, the basic concept of sensing a water consumption parameter, receiving the signal, and controlling a valve based on calculations made from that signal is known from Faulk. The use of a module system with a power panel and communication BUS is known from Williams. Williams improved the previous irrigation controller systems by breaking the control system into modules that were easily replaceable and expandable. The same improvements can be made to the system of Faulk to arrive at the claimed invention, thus a finding of obviousness must be made.

18. Referring to claim 33, Faulk shows wherein the sensor is configured to monitor the volume of fluid flow through a conduit, and the predetermined threshold is an amount of water flow during a defined time period (Column 3, lines 17-19).

19. Referring to claim 36, Faulk/Williams shows wherein the interface module communicates with the valve to disconnect a water or energy source (purpose of Williams).

20. Referring to claim 37, Williams shows wherein the processor receives the signal from the sensor, and communicates with the interface module to close the valve (this is the purpose of said combination of prior art).

21. Referring to claim 38, Williams shows a motherboard having a communication port that enables communications via the processor. The Williams abstract shows the processor with a parallel bus system for controlling multiple interface modules. All computer devices inherently must have a motherboard in order to use the functionality of the processor.

22. Referring to claim 39, Williams shows wherein the panel further comprises a network interface.

23. Referring to claim 43, Faulk shows wherein the system monitors and controls a system in a residential structure (Column 3, line 16). Examiner notes that the location or purpose of the system is not relevant to the claimed invention.

24. Referring to claims 47 and 48, Williams shows a display for each module and that each panel can comprise a portable device. The term “portable” is not found in the specification as originally filed. It is treated to mean “non-permanent” by the examiner.

25. Claims 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,825 to Faulk et al in view of U.S. Patent No. 5,956,248 to Williams et al as shown above and further in view of U.S. Patent No. 6,195,002 to Evans Jr. et al.

26. Evans shows wherein the sensor comprises a pressure sensor connected to sense the pressure inside a component of the water-based system to generate an output signal when the sensor pressure exceeds a predetermined threshold.

Pressure sensing is well known in the control field and it would have been obvious to one of ordinary skill in the art to include a pressure sensor in the system of Faulk because “Low and/or

high pressure sensors are coupled to main air-or water-carrying conduits to detect if the fluid pressure within such conduits drops below or rises above an acceptable, predetermined level" (Evans, paragraph 7).

27. Claims 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,825 to Faulk et al in view of U.S. Patent No. 5,956,248 to Williams et al as shown above and further in view of U.S. Patent No. 5,655,561 to Wendel et al.

28. Wendel shows wherein the sensor comprises a temperature sensor connected to sense the temperature inside a component of the water-based system to generate an output signal when the sensor temperature exceeds a predetermined threshold.

29. Temperature sensing is well known in the control field and it would have been obvious to one of ordinary skill in the art to include a pressure sensor in the system of Faulk because it would prevent the valve from freezing open (Wendel column 5, lines 24-35).

30. Claims 40-42, 45, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,825 to Faulk et al in view of U.S. Patent No. 5,956,248 to Williams et al as shown above and further in view of U.S. Patent No. 6,826,267 to Daum et al.

31. Faulk/Williams do not show communication over a power line, over a wireless network, or configuration by a remote computer over the network interface.

32. Daum is an internet enabled appliance command station where multiple appliances interface with a central motherboard/panel to receive commands and report their status. Daum

shows that the concepts of communication over power line (Figure 1 and description thereof), wireless network (Column 29, line 29), and a user interface for configuring the system from a remote computer over a network (Figures 5 and 6) are concepts that are well known in the art.

33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the system of Faulk/Williams to be configured and communicate over power lines or a wireless network because these are well known communication systems known for their convenience over standard network wires. Furthermore, the ability to remotely control a computer application is well known and obvious to any network connected system.

34. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,568,825 to Faulk et al in view of U.S. Patent No. 5,956,248 to Williams et al as shown above and further in view of U.S. Patent No. 6,640,145 to Hoffberg et al.

35. Faulk/Williams do not show a video signal and media interface.

36. Hoffberg shows an intelligent media device for communication over a network where a video camera can be used for such applications as an alarm, security, environmental control, etc:

(352) Exemplary devices to be controlled in a home include household appliances 3223, HVAC 3215, alarm systems 3217, consumer electronics 3221, and the like, and/or provide for communications purposes. An alarm system 3217 embodiment, for example, may employ a video camera input 3219 for capture and analysis of images, as well as motion or irregularity detection. The intelligent device 3201 may, for example, employ neural networks or other intelligent analysis technology for analyzing data patterns indicative of particular states. An alarm output may be produced, for example, through standard alarms, as well as through a telephone 3214 interface of the system.

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the video media recording device of Hoffberg as an add on alarm system to

Faulk/Williams because a video detection system is well known for “motion or irregularity detection” as shown above and would provide the remote user with quick and easy access to a visual of any problems.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D. Masinick whose telephone number is (571) 272-3746. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***/Michael D Masinick/
Primary Examiner, Art Unit 2128***